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Dong-Min Kim

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EXAMINER

HERNANDEZ, NELSON D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,491	Applicant(s) KIM, DONG-MIN	
	Examiner Nelson D. Hernández Hernández	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-47, 49-53 and 55-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-47, 49-53 and 55-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner noted the amendment made to the claims filed on September 19, 2008. **Claims 1-40, 48, and 54** have been cancelled.

Response to Arguments

2. Applicant's arguments filed September 19, 2008 with respect to the rejections made to **claims 41, 46-49, 54-55 and 60** have been fully considered but they are not persuasive.
3. The Applicant argues the following:
 - a. "Applicant respectfully disagrees that this combination teaches the elements related to the setting of an impaired vision mode. The present invention recognizes the problem that users with impaired vision might have in operating a camera, particularly when the typical small screens are utilized to provide functionality selection.

The present invention provides a solution in which, when the camera is in the vision impaired mode via a setting, the indicia representing functionality selections are magnified so that the vision impaired user can more readily operate the device, whereas a normal functionality is provided when the camera setting is not in the vision impaired mode.

As noted in the MPEP §2143.03, all claim limitations must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382 (CCPA 1970). In the present invention, the combination of Nishigaki, Sciammarella, and Frank fail to teach or suggest or even recognize the problem in dealing with the use of a camera by both normal and vision impaired individuals, and the solution to the problem found in the present invention

With regard to a finding of a vision impaired mode in the prior art, the Examiner stated, referencing Sciammarella:

(c) determining whether an impaired vision mode is set (The examiner is reading the arrangement shown in fig. 19 as the impaired vision mode from the different types of display arrangements as shown in figs. 1-4, 15 and 17-19 that can be set by the user; Col. 3, line 15-col. 4, line 29); (d) if the impaired vision mode is set, magnifying the selected menu item (See indicium representing the image 173.JPG selected magnified in the center of the display area) (Col. 3, line 15-col. 4, line 29; col. 4, lines 30-50; col. 9, line 51 - col. 10, line 49).

First, there is nothing in this disclosure that suggests any form of a conditional setting relating to the enlargement option. The arrangements for images that can be set by the user have nothing to do with the display of an enlarged image, but rather deal with the efficient presentation of a large number of data objects. This is consistent with Sciammarella's disclosure in the background section at 1:37-41:

However, conventional techniques, such as windows, folders, and lists, have a problem in that they are insufficient for presenting such large numbers of data objects in a manner that a user can easily and quickly understand.”

➤ The Examiner understands that the Sciammarella reference does not go into details of applying the concepts of the invention as a particular mode for those who are vision impaired. However the Examiner understands that although Sciammarella is concerned about a different problem and found a particular advantage to the invention, Sciammarella still teaches the concept of setting a particular layout format so that when a particular icon or image is selected, the image would be superimposed to a second image and enlarged such that a second icon from the group of icons in a display area is concealed by the selected image or icon. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

b. “The various presentations disclosed are: 1) line layout (Fig. 1); 2) circle layout (Fig. 2); 3) grid layout (Fig. 3); and 4) helix layout (Fig. 4). Sciammarella is actually silent or at least very nebulous as to how the particular layout is determined and so it is not clear that the different presentations can be set by the user (contrary to the Examiner's assertion). However, even if *arguendo* the

presentation format is selected by the user, this has nothing to do with the magnification option. In Sciammarella, the magnification takes place regardless of any selection of the presentation layout format. The magnification always takes place and would thus not serve to accommodate in any particular way both a view with and a viewer without a visual impairment.”

➤ The Examiner disagrees. As discloses in col. 3, line 62 - col. 4, line 1, Sciammarella teaches the following:

The layout/order interface 22 is displayed at the bottom of the screen 21 below the display of the thumbnails 23, and includes a layout interface 27 and an order interface 28. The layout interface 27 includes icons 27a to 27d representing each of the four different layouts. The user can select a desired display layout by selecting the corresponding icon 27a to 27d, using a mouse and cursor for example.

This section of Sciammarella clearly teaches that the user can select between the plurality of presentation layout formats.

Also the Examiner would like to point out that depending on the selected layout format the selected icon or image would be enlarged. In a case of having a layout format such as the layouts shown in figs. 1 and 2, the image would not be enlarged when selected, however if the layout as shown in fig. 19 is set, the selected image would be enlarged. This teaches that if the layout as shown in fig. 19 is set (which the Examiner is interpreting as the impaired vision mode), since the system would recognize said set layout format, the selected icon or image would be superimposed on other images or icons and would also magnify

the selected icon or image such that a second image or icon is concealed in its entirety (See fig. 19) in accordance with the set layout format. The Examiner understand that this teaching reads on the limitations of *"if selection of the first indicium by a user is detected, determining whether an impaired vision mode is set; if an impaired vision mode is determined to be set, performing steps of: superimposing the first indicium on the second indicium; magnifying the first indicium to conceal an entirety of the second indicium"* as claimed.

c. "Figure 19 of Sciammarella does show a magnified look at an image thumbnail, but this particular display in no way serves to delineate between those who are vision impaired and those who are not--the ability to have a camera that is useful to operate both by one with no visual impairment as well as one with visual impairment is a very important aspect of the present invention that the Examiner has presumed into the combination.

Furthermore, Sciammarella deals with a full-screen monitor on a computer, and the enlargement relates to a content element (a picture) that is to be operated on, not a control element that is used to control the device. On a computer, there are numerous other mechanisms that can be, and are actually preferably, used by a visually impaired individual to control the device itself (e.g., the use of high contrast color schemes, etc.). The present invention recognizes a distinct solution that is well-suited for use in a camera device for the visually impaired that is not recognized in the combination of references."

➤ The Examiner understands that the Sciammarella reference does not go into details of applying the concepts of the invention as a particular mode for those who are vision impaired. However the Examiner understands that although Sciammarella is concerned about a different problem and found a particular advantage to the invention, Sciammarella still teaches the concept of setting a particular layout format so that when a particular icon or image is selected, the image would be superimposed to a second image and enlarged such that a second icon from the group of icons in a display area is concealed by the selected image or icon. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

d. “The Examiner states that as a motivation to combine Nishigaki and Sciammarella would be to further improve the method for altering a digital camera display by allowing the user to get a closer look of a selected item of interest as suggested by Sciammarella, but neither of the references teach or suggest addressing the issue of visual impairment, nor do they even suggest a user-configurable parameter that is used to determine whether such zooming action is to take place, making the camera operation useful to both the visually impaired and non-visually impaired individuals.”

➤ The Examiner disagrees. As discussed above (Arguments (a) and (c)), the Examiner understands that although the references presented to reject the limitations of claim 1 do not address the issue of visual impairment, the Examiner understands that the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed in the claim rejections teaches the same concept of claim 1, that although they do not teach using a mode indicated as “visual impaired mode”, the proposed combination by the Examiner still suggest the concept of changing the appearance of display icons or images to operate a device based on a selected layout mode similar to the claimed invention in the present application. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

e. “Sciammarella, alone or in combination with Nishigaki and Frank, fails not only to disclose a user-based selection of an impaired vision mode, but even fails to disclose any form of a user-selected criteria that dictates whether an enlarged image will be shown at all. In the present case, the Examiner is clearly using impermissible hindsight by turning to the Applicant's own teaching in the specification regarding the image impaired mode being used in the camera to

Art Unit: 2622

conclude that it would be obvious to combine these references and arrive at the present invention, despite any lack of teaching about a vision impaired mode and despite any lack of teaching about a user-selected option for determining whether or not to magnify the image or not.”

➤ See response to arguments as discussed above. Furthermore, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

4. Applicant's arguments, see page 13, filed September 19, 2008, with respect to the rejections of **claims 45 and 59** under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 46, 47, 49, 55, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Sciammarella et al., US Patent 7,051,291 B2 and further in view of Frank et al., US 6,384,840 B1.

Regarding claim 41, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate viewability, the method comprising the steps of: displaying indicia on a display screen of the digital camera (See figs. 1 and 2), the indicia including a first indicium and a second indicium (See a plurality of indicium as shown in figs. 1 and 2); detecting selection of the first indicium by a user (See menu item selected as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; this teaches detecting selection of the first indicium as claimed); magnifying the first indicium (See magnified selected menu item as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 - page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose that if selection of the first indicium by a user is detected, determining whether an impaired vision mode is set; if an impaired vision mode is determined to be set, performing steps of: superimposing the first indicium on the second indicium; magnifying the first indicium to conceal an entirety of

the second indicium; and reducing an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium.

However, Sciammarella et al. discloses a method for altering an electronic device display (See fig. 19), the method comprising the steps of: (a) displaying indicia on a display screen of the electronic device, the indicia including a plurality of indiciums (such as digital image files, digital audio files, text files, executable programs, program files, and movie files); (b) determining whether a user has selected a first indicium (See indicium representing image 173.JPG selected as shown in fig. 19); (c) determining whether an impaired vision mode is set (The examiner is reading the arrangement shown in fig. 19 as the impaired vision mode from the different types of display arrangements as shown in figs. 1-4, 15 and 17-19 that can be set by the user; Col. 3, line 15—col. 4, line 29); (d) if the impaired vision mode is set, magnifying the selected menu item (See indicium representing the image 173.JPG selected magnified in the center of the display area) (Col. 3, line 15—col. 4, line 29; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49). Sciammarella et al. discloses further discloses that the data is displayed as a sequence, said sequence arrange such that a data object of interest is magnified so that the user can get a closer look, said data object being magnified to occupy a large portion of the display area while the previously selected indicium returns to the smaller size characteristic of the unselected indiciums in the layout (See fig. 9; this teaches magnifying the first indicium to conceal an entirety of the second indicium since there will be other indiciums concealed by the selected indicium as shown in fig. 19) (Col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49).

The Examiner understands that the Sciammarella reference does not go into details of applying the concepts of the invention as a particular mode for those who are vision impaired. However the Examiner understands that although Sciammarella is concerned about a different problem and found a particular advantage to the invention, Sciammarella still teaches the concept of setting a particular layout format so that when a particular icon or image is selected, the image would be superimposed to a second image and enlarged such that a second icon from the group of icons in a display area is concealed by the selected image or icon. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Therefore, taking the combined teaching of Nishigaki in view of Sciammarella et al. as a whole, one of ordinary skill in the art at the time the invention was made would note the advantages of magnifying the data objects in the Sciammarella et al. so that a user can get a closer look of a particular data object and would find obvious to use the teaching of Sciammarella et al. to modify Nishigaki, to determine whether an impaired vision mode is set if selection of the first indicium by a user is detected; and if an impaired vision mode is determined to be set, performing the steps of: superimposing the first indicium on the second indicium; and magnifying the first indicium to conceal an entirety of the second indicium. The motivation to do so would have been to further improve the method for altering a digital camera display by

Art Unit: 2622

allowing the user to get a closer look of a selected item of interest as suggested by Sciammarella et al. (Col. 9, line 51 – col. 10, line 49).

The combined teaching of Nishigaki in view of Sciammarella et al. fails to teach reducing an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium.

However, Frank et al. discloses a method and apparatus for presenting information in a display system using transparent windows, wherein when a window having a particular information or program is selected from a plurality of windows displayed in a display device (See figs. 7, 8, 10) is selected, said selected window would show on top of the other windows with a transparency level that can be selected by the user so that even when the selected window is on top of another window, the information of the window in the background can also be shown through the selected window (See figs. 7-10) (Col. 5, line 35 - col. 6, line 65; col. 8, line 19 - col. 10, line 56).

Therefore, taking the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as a whole, it would have been obvious to one of an ordinary skill in the art to apply the concept of apply a transparency to a selected window from a plurality of windows so that the information of windows covered by the selected window can also be displayed as taught in Frank et al. to modify the teaching of Nishigaki and Sciammarella et al. to reduce an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium. The motivation to do so would have been to increase the usable area of a display by permitting otherwise

Art Unit: 2622

obscured indicium data to be visible to, and operated on, by the user as suggested by Frank et al. (Col. 10, lines 35-45).

Regarding claim 46, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41 further teaches displaying the first indicium in a first portion of the display screen and displaying the second indicium in a second portion of the display screen, the second portion being different than the first portion (by sequentially displaying the indiciums so that the selected indicium would appear in the center of the display area (Sciammarella et al., col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49), Sciammarella et al. discloses displaying the first indicium in a first portion of the display screen and displaying the second indicium in a second portion of the display screen, the second portion being different than the first portion). Grounds for rejecting claim 41 apply here.

Regarding claim 47, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41 further teaches deleting the first indicium from the first portion; substantially simultaneously with the deleting step, displaying the first indicium in the second portion; and maintaining the second indicium in the second portion (by sequentially displaying the indiciums so that the selected indicium would appear in the center from a previous position different than the center of the display area (Sciammarella et al., col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49), Sciammarella et al. discloses deleting the first indicium from the first portion; substantially simultaneously with the

deleting step, displaying the first indicium in the second portion; and maintaining the second indicium in the second portion). Grounds for rejecting claim 41 apply here.

Regarding claim 49, limitations of claim 48 are taught Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41.

Regarding claim 55, limitations of claim 55 are taught Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41.

Regarding claim 60, limitations have been discussed and analyzed in claim 47.

7. Claims 42, 43, 50, 51, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Sciammarella et al., US Patent 7,051,291 B2 in view of Frank et al., US 6,384,840 B1 and further in view of Miyao, US Patent 6,466,237 B1.

Regarding claim 42, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. fails to teach that if a predetermined set time has elapsed after the reducing step, displaying the first indicium in a position the indicium occupied prior to the superimposing; increasing the opacity of the first indicium to an opacity the indicium had prior to the reducing step; and returning the first indicium to a pre-superimposing step size.

However, Miyao et al. teaches an electronic apparatus (See fig. 1), wherein upon operation of an operation panel (Fig. 1: 24), the user is able to set the display of the

Art Unit: 2622

apparatus to sequentially display a plurality of icons, wherein a selected icon is magnified for a predetermined set time and when said predetermined set time has elapsed (See figs. 6-8, 17, 18, 20 and 24), would automatically return to a smaller size so that the icon of interest would be easier to observe for the user. Miyao also discloses that when sequentially displaying the icons said icons are magnified for a predetermined amount of time and then reduced in size while a next icon is magnified in a motion forming a ring, wherein the user can adjust the predetermined set time that the icon is magnified (Col. 11, line 23 – col. 13, line 62; col. 14, line 46 – col. 16, line 20).

Therefore, since the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as a whole teaches that when an indicium is selected, the previously selected indicium would return to the original position and size and also the transparency of the indicium would be changed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of having a selected icon being magnified for a predetermined set time and when said predetermined set time has elapsed, automatically return to a smaller size so that the icon of interest would be easier to observe for the user as taught in Miyao to modify the teaching of Nishigaki, Sciammarella et al. and Frank et al. to display the first indicium in a position the indicium occupied prior to the superimposing if a predetermined set time has elapsed after the reducing step; returning the first indicium to a pre-superimposing step size and to increase the opacity of the first indicium to an opacity the indicium had prior to the reducing step in addition to returning the first indicium to a pre-superimposing step size. The motivation to do so would have been to

easily visually identify icons and those icons behind the thumbnail file on the foreground are partially displayed, thereby allowing the user to obtain some information on the icons in the back as suggested by Miyao et al. (Col.2, lines 42-53).

Regarding claim 43, limitations have been discussed and analyzed in claim 42.

Regarding claim 50, limitations have been discussed and analyzed in claim 42.

Regarding claim 51, limitations have been discussed and analyzed in claim 42.

Regarding claim 56, limitations have been discussed and analyzed in claim 42.

Regarding claim 57, limitations have been discussed and analyzed in claim 42.

8. Claims 44, 52, 53 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Sciammarella et al., US Patent 7,051,291 B2 in view of Frank et al., US 6,384,840 B1 and further in view of Horvitz et al., US Patent 5,880,733.

Regarding claim 44, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. fails to teach detecting whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement button is positioned on the first indicium.

However, Horvitz et al. discloses a display system wherein menu indiciums (windows as shown in fig. 1, 3, 4a, 4b, 4c, 5a, 5b and 5c), wherein said indiciums can be arranged such that if a particular indicium of the indiciums of the sides of the display is selected, said indicium is deleted from a first position and displayed a central position

Art Unit: 2622

of the display while the other indiciums are maintained at their particular position providing an easy method to navigate through different menus (Col. 3, lines 1-10; col. 4, line 55 – col. 5, line 45; col. 10, line 40 – col. 11, line 64; col. 13, line 51 – col. 14, line 66; col. 15, lines 14-27). Horvitz et al. further discloses that the display system changes the shape of a marker (mouse cursor (arrow)) when the cursor is placed over the different indiciums (windows) and that the cursor would change its shape in response to the detected position over said indicium (Horvitz et al., col. 19, line 65 – col. 21, line 38; this teaches detecting whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement of the movement button is positioned on the first indicium) (Col. 3, lines 1-10; col. 4, line 55 – col. 5, line 45; col. 10, line 40 – col. 11, line 64; col. 13, line 51 – col. 14, line 66; col. 15, lines 14-27).

Therefore, after considering the teaching of Nishigaki and Sciammarella et al. in view of Frank et al. and further in view of Horvitz et al. as a whole, one of an ordinary skill in the art at the time the invention was made would consider the advantages of having a display method wherein the icons are arranged such that a selected one would appear in the center after selection while the rest of the icons are shown on the boundaries as taught by Horvitz et al. and would find obvious to modify Nishigaki, Sciammarella et al. and Frank et al. to detect whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement button is positioned on the first indicium. The motivation to do so would have been to further improve the method for altering a digital

camera display by providing an easy method to navigate through different menus where said user can switch to another icon without having to close a previously selected icon.

Regarding claim 52, limitations have been discussed and analyzed in claim 44.

Regarding claim 53, limitations have been discussed and analyzed in claim 44.

Regarding claim 58, limitations have been discussed and analyzed in claim 44.

9. Claims 45 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Sciammarella et al., US Patent 7,051,291 B2 and further in view of Frank et al., US 6,384,840 B1 and further in view of Kobayashi et al., JP 2001-067163 A.

Regarding claim 45, although Sciammarella et al. teaches enlarging the size of the indicium to occupy a large portion of the display screen, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. fails to teach that the magnifying step comprises enlarging a size of the first indicium to occupy a substantially entire area of the display screen.

However, Kobayashi et al. discloses the concept of having an user interface that would allow selection of an indicium from a plurality of indiciums, wherein when a particular indicium is selected, said indicium is magnified to a particular size that would occupy substantially the entire area of the display screen (See figs. 12: D and 13: C) (As shown in fig. 12: D and 13: C, the enlarged indicium covers substantially the entirety of the display screen) (See Machine English Translation, ¶ 0060-0064).

Therefore, taking the combined teaching of Nishigaki and Sciammarella et al. in view of Frank et al. and further in view of Kobayashi et al. as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply modify the teaching of Nishigaki, Sciammarella et al. and Frank et al. to magnify the selected indicium such that the indicium would cover substantially the entirety of the display screen. The motivation to do so would have been to allow the user to easily recognize the selected information as suggested by Kobayashi et al. (Machine English Translation, ¶ 0077).

Regarding claim 59, limitations have been discussed and analyzed in claim 45.

Conclusion

10. Because new grounds for rejection have been presented to reject **claims 45 and 59**, this Office Action is made **NON-FINAL**.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

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September 30, 2008

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